

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA-Roanoke Division**

ROGER A. MANN, ADMINISTRATOR
OF THE ESTATE OF TANYA DIANE MANN, Deceased,
Plaintiff,

v.

Civil Action No. 7:14CV00630-EKD

PHILIP O. EMIABATA, et al.,
Defendants.

ORDER APPROVING COMPROMISE SETTLEMENT

THIS MATTER came before the Court this day on the Petition by the Plaintiff for approval pursuant to Section 8.01-55 of the Code of Virginia, as amended, of a compromise wrongful death settlement in the amount of \$550,000.00 from Defendants, and for consideration of the distribution of settlement monies. Tanya Diane Mann, (the “Deceased”) died on April 1, 2014.

THE COURT finds that the Deceased’s husband, Roger A. Mann, and the Deceased children, Justin Garrick Thomas, Jon Ryan Thomas, and Elissa Renee King, are the beneficiaries of the Estate of Tanya Diane Mann, (“Beneficiaries”), and finds that pursuant to §8.01-55 of the Code of Virginia, Roger A. Mann, Administrator of the Estate of Tanya Diane Mann (“Administrator”), and each of the Beneficiaries have endorsed this Order, are deemed to be convened for this hearing, and hereby waive their right to appear at this hearing.

THE COURT having considered all matters pertaining to this compromise, and being of the opinion that this compromise is in the best interests of the Beneficiaries of the Deceased and that the requested relief should be granted, it is accordingly ORDERED that this compromise in the amount of \$550,000.00 from Defendants be and hereby is approved and that the \$550,000.00 settlement proceeds be disbursed by counsel for Plaintiff as follows:

Settlement Proceeds:	\$550,000.00
Roger A. Mann for Funeral Expenses	-\$3,372.80
Litigation Expenses:	
King, Wiley & Williams	-\$67,467.91
Phelan Petty, PLC	-\$ 2,575.15
Attorney Fees:	
King, Wiley & Williams	-\$137,486.25
Phelan Petty, PLC	-\$ 45,828.75
Balance of \$293,269.14 to the Beneficiaries:	
Roger A. Mann, husband (30%):	-\$ 87,980.74
Justin Garrick Thomas, son (23.33%):	-\$ 68,419.69
Jon Ryan Thomas, son (23.33%):	-\$ 68,419.69
Elissa Renee King, daughter (23.34%):	-\$ 68,449.02

It is further ORDERED that Philip O. Emiabata, Sylvia Emiabata, Nova Express and Hallmark County Mutual Insurance Company (“Hallmark”), as well as all of their respective employees, officers, directors, principals, attorneys (including Harman Claytor and Morris and Morris), subsidiaries, assigns, predecessors, and successors in interest are hereby released and discharged from any and all liability which has been, might have been, or could have been asserted against them by or on behalf of the Plaintiff arising from the death of the Deceased or any of the allegations set forth in the pending complaint.

It is further ORDERED that Hallmark by providing the settlement funds as noted above and/or for any other claim involving these defendants, does not in any way waive nor is it estopped from asserting any policy coverage defense or limitation or any other reason for lack of insurance coverage, if any issues concerning insurance coverage arise.

It is further ORDERED that, pursuant to Virginia Code §8.01-35.1 (as amended), this Order shall not discharge any other person or entity not set forth in the preceding paragraph from liability for the injury, property damage, or wrongful death of the Deceased. Claims against the broker or brokers who brokered the load in question to the Defendants, including but not limited

to C.H. Robinson Worldwide, Inc. or any division or part thereof or related entity are expressly not discharged by this Order.

It is further ORDERED that this matter is dismissed with prejudice, and that the Clerk shall provide all counsel of record with an attested copy of this Order.

ENTER: 11/3/2015

/s/ Elizabeth K. Dillon

Judge

WE ASK FOR THIS:

Roger A. Mann

Roger A. Mann, Administrator of the Estate of Tanya Diane Mann

Roger A. Mann

Roger A. Mann, Beneficiary of the Estate of Tanya Diane Mann

Justin Garrick Thomas

Justin Garrick Thomas, Beneficiary of the Estate of Tanya Diane Mann

Jon Ryan Thomas

Jon Ryan Thomas, Beneficiary of the Estate of Tanya Diane Mann

Elissa Renee King

Elissa Renee King, Beneficiary of the Estate of Tanya Diane Mann

Michael G. Phelan

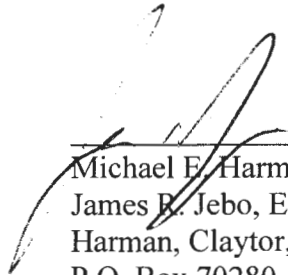
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